

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 20-124
	:	
HALEEM BALEY	:	

ORDER

AND NOW, this 4th day of December 2020, upon consideration of Defendant's Motion to Dismiss Count II (ECF No. 20), the Government's Response thereto (ECF No. 23), and the Court's evidentiary hearing on September 28, 2020 (ECF Nos. 24, 24), and having dismissed Defendant's Motion to Dismiss Count II without prejudice as to the sufficiency of the evidence issue (ECF No. 26), it is hereby **ORDERED** and **DECREED** that Defendant's Motion to Dismiss Count II (ECF No. 20) is **DENIED** with prejudice as to the constitutionality of 18 U.S.C. § 924(c)(1).

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE